

**MINUTES  
TOWN OF EDGEWOOD  
MARCH 18, 2009 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present with the exception of Councilor Simmons. Also present were Ms. Mahalick, Planning & Zoning Manager, and Ms. Estefanie Muller, Clerk-Treasurer.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

**MOTION:** Councilor Felton made a motion to approve the Agenda as presented. Councilor Hill seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. The motion carried.

**4. MATTERS FROM THE MAYOR.**

**A. Approval of Library Advisory Board Appointment Terms.**

3-year term: Dave Knuckles and Kenny Adams

2-year term: Jo White and John Suda

1-year term: Rosemary Bersen

Mayor Stearley reviewed the terms for the Library Board.

**MOTION:** Councilor Felton made a motion to approve the terms of the Library Board Members. Councilor Hill seconded for discussion.

Councilor Felton asked how the terms were decided.

Ms. Muller responded stating that the Library Board had decided on the term lengths at the Library Board meeting in which she attended.

**VOTE:** Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted. The motion carried.

**B. Announcement of vacancy to the Planning & Zoning Commission for an Alternate Position.**

Mayor Stearley advised the Council that Commissioner Larry Williams had resigned and that an alternate member would be needed. Mayor Stearley added that he would be accepting candidate recommendations. Please contact the Town Offices .

**5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

Councilor Abrams discussed the Wind Energy Meeting in Santa Fe that he will be attending in April.

**At this time Councilor Simmons was present.**

Councilor Felton discussed the Sign Ordinance and the lack of changes that he had seen around Town since its passing. He asked for voluntary compliance of the new regulations.

Ms. Mahalick stated that there may be an impression that the signs in question are legal.

Councilor Hill stated that he would be in Washington next week meeting with the Congressmen and Legislators and would put in a good word for Edgewood.

Councilor Simmons asked what was actually listed on the web site regarding the Sign Ordinance. Mayor Stearley clarified what was placed on the web site and confirmed with Ms. Mahalick how the Ordinance was listed.

Councilor Simmons stated that the Minutes are still an issue and suggested that the recording be kept longer.

Ms. Muller clarified that the recordings are a tool and there is not a policy to keep them any longer than just after the approval of the transcribed document.

Councilor Hill stated that once Council approves the Minutes they become the legal document and anything else could become problematic.

Councilor Simmons responded that the sentence structure was an issue and that perhaps Council should take more time to review them before they are approved.

Ms. Muller stated that she was available for clarification on the Minutes but that the recordings were simply a tool.

Councilor Simmons stated that she would go into more detail when it came time to approve the Minutes from the last meeting.

**6. MATTERS FROM THE ATTORNEY.**

None.

**7. PUBLIC COMMENTS. (Limit to 2 minutes per person).**

**Note: If you plan to testify under Public Hearings, please do not sign up for this topic.**

Ms. Sue West discussed the funds for the Anniversary Celebration stating that she hoped that the Town would spend the money wisely in light of the current economic situation and the fact that it is one day event. She also addressed Land Ordinance No. 2000-25 regarding dead trees and vegetation removal.

Councilor Felton responded stating that he felt this was a valid issue as there are trees behind Wal-Mart that are suffering as well and perhaps a broad inspection would be valuable.

Councilor Simmons stated that COW Awards was a great example of a celebration that may be repeated for the 10<sup>th</sup> Anniversary.

Mr. Chuck Ring discussed the Regional Animal Shelter and some of the issues regarding it's location on Section 16.

Ms. Kelly Krauth discussed Sign Ordinance compliance and that the Chamber can assist the Town in this effort. She also discussed the upcoming Town Hall Meeting with Representatives that is scheduled for April 9<sup>th</sup>, at the Edgewood Middle School from 4:00 -7:00 P.M.

**8. PUBLIC HEARINGS.**

None.

**9. TOWN OF EDGEWOOD LIBRARY REPORT – Ms. Peggy Martinez.**

Ms. Peggy Martinez presented the Library report for the Council. She also praised the volunteers and thanked them for their efforts and listed the new hours. Councilor Hill asked about the discussion in the Minutes regarding the 501C3 status and stated that it would be best for it to remain as such so they may accept donations. He added that the language needs to be very clear that it is the Friends of the Library that have the money and can accept donations, not the Town. Ms. Martinez stated that she would talk to the board about clarifying the difference in the Friends of the Library funds and the Towns funds for the Library.

**10. ANIMAL CONTROL REPORT – Officer Victoria Murphy.**

C. Report for the month of February, 2009.

Ms. Victoria Murphy reviewed her report for the Council.

Councilor Simmons asked about potentially dangerous licenses.

Ms. Murphy responded stating that it was a license for an animal that the Court for the Town has deemed potentially dangerous and that the fee is \$100.00.

**11. REGIONAL ANIMAL SHELTER UPDATE.**

Mayor Stearley reviewed this item for the Council stating that after 4 years there is still not a Joint Powers Agreement with the other entities. No money is available from the other entities. He encouraged the Town to move forward, determine the location for the shelter, and commit to building the portion required for the Town. He added that if the Town can get a Joint Powers Agreement in the future that would be great.

Mayor Stearley described some of the details of the structure that the Town would be responsible for. He added that the Legislator Kathy McCoy has re-allocated the \$100,000.00 dollars for use by the Town to build this portion of the Shelter. Councilor Hill asked if the Town has formally requested to be on the School Board Agenda.

Mayor Stearley stated that he had not.

Councilor Hill asked that the Mayor formally request to be placed on the School Board Agenda to include a presentation from the Town.

Mayor Stearley suggested that that Council discuss this after the Closed Session.

Ms. Mahalick asked if this item was being tabled and moved to later in the meeting. Mayor Stearley stated that no action was required.

Councilor Hill stated that he was simply making a request to the Mayor to follow up on an item that the Council became aware of, but that he did not feel that it required any action by the Council. He added that if action was required they could take care of it at the next Council meeting.

Ms. Mahalick stated that none of the items on the Agenda are listed as requiring action but that action does take place.

Councilor Felton asked for clarification from Mr. Ring regarding his statement about the school board.

Mr. Ring responded from the audience and he was inaudible.

Council agreed to discuss this after the closed session.

**12. TOWN OF EDGEWOOD POLICE DEPARTMENT – Chief Swanberg.**

D. Update on Standard Operating Procedures.

E. Training Status.

F. Hiring Board Recommendation.

G. Approval for Officer Pay Increase.

Chief Swanberg updated the Council on Police Department issues, training, officer employment and salary increases. He also discussed the grant applications and equipment purchases he was currently working on.

Chief Swanberg updated the Council on the Standard Operating Procedures and he also thanked Mr. Ring for his assistance on this project.

He also discussed the Moriarty School District Emergency Response stating that they would be working together in these situations with other departments.

Councilor Hill asked about the pay increase contracts. He stated that the Town needed to be careful with the language when they put things into writing.

Councilor Felton suggested a step increase when an officer comes off of probation. He also asked about the Cops Grants.

Chie Swanberg clarified the details of these grants and stated that Council approval to move forward towards these before the next Council Meeting.

Council requested that a proper presentation be made to the Council so that they may make a motion to move this forward.

Councilor Simmons asked about different probationary periods.

Chief Swanberg responded stating that within six months he would know whether or not an officer is going to work out.

Councilor Simmons suggested that perhaps the Town should look at the probationary periods for officers.  
Mayor Stearley requested that Council approve the pay increase for the officers.  
Ms. Muller reviewed the costs involved in this increase for Council of \$1,803.90.

**MOTION:** Councilor Simmons made a motion to approve a One Step Increase. Councilor Abrams seconded the motion for discussion.

Councilor Hill expressed concern in approving this before the probationary period issues have been resolved.

Councilor Abrams concurred but suggested that a clarification on the wording might accommodate the issues.

Councilor Simmons suggested that this would be in lieu of the change to the probationary period.

**MOTION:** Councilor Simmons amended the motion to state, "In recognition of the potential change to the Personnel Ordinance and because of prescient circumstances this pay raise will be granted on a one time basis for this regard without setting precedent for other employees or departments."

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

### **13. BUDGET APPROVAL FOR TOWN OF EDGEWOOD 10<sup>TH</sup> ANNIVERSARY CELEBRATION.**

Ms Kelly Krauth discussed the importance of this celebration to the Town. She also outlined the schedule of events for the Council.

Dan of Rich Ford discussed the Fireworks show and offered the use of their parking lots both the dirt and paved areas. He also added information about guest appearances including Big Foot Monster Truck, and Holly Holmes.

Ms. Kelly discussed organization meetings for these upcoming events.

Mayor Stearley reviewed the budget handout for the Council.

Councilor Felton asked about anti-donation and the fireworks provided by Rich Ford and that it should be reflected somewhere that they are doing this.

Ms. Muller stated that the Attorney has reviewed this budget and there isn't anything that violates the Anti-Donation Clause.

Councilor Hill asked how firm this budget was.

Ms. Kelly stated that it is not final but that the costs are likely to come down not go up.

Councilor Hill stated that this might be good for these costs to be broken down for the Attorney to review more closely.

Councilor Felton stated that he was still concerned about the anti-donation and asked for time to look at the expenditures.

Ms. Muller stated that she would contact with Department of Finance and Administration on this matter as well and will confirm the line items with them.

Councilor Abrams asked about remaining funds in the events budget  
Mayor Stearley responded stating that Mr. Holden has funds allocated to some of these various events but there is some money available.  
Council discussed the \$15,000.00 that was budgeted this year for advertising as well as passing a Resolution in support of the 10<sup>th</sup> Anniversary Event.  
Councilor Simmons stated that she was still having trouble with some of the expenses.  
Councilor Abrams stated that this was still a work in progress but at this point in time Council can not make any decisions about this budget.  
Council requested that a Resolution supporting this event be drafted for the next Council Meeting.  
Councilor Simmons stated that there are a lot of people around Town that have the ability to sew banners and she would like to see some community outreach.  
Ms. Kelly suggested a banner competition.  
Ms. Mahalick stated that they would have to be made to order banners because they will be placed over the highway.  
Council discussed some of the different ways to have the community decorate the banners and a possible competition.

**14. RESOLUTIONS.**

None.

**15. COMMUNITY DEVELOPMENT REPORT.**

H. Update on Section 16 Fire Station Access.

Ms. Mahalick updated the Council on the Fire Station Access stating that Municipal Way will not be used for the entrance and therefore there will not be a cost share at this time.

Councilor Hill suggested that some conversations should be initiated with Santa Fe County regarding the cost effectiveness of this decision.

Mayor Stearley asked about a median to be placed on Municipal Way.

Ms. Mahalick stated that there was not a median designed for this area. She also detailed the reason for Santa Fe County's decision regarding turning radiuses, building orientation and direct routes for the large fire vehicles.

Ms. Mahalick stated that she would see about providing a concept map of this design for the Council as well as a presentation for the next Meeting.

Mayor Stearley stated that he was going to be meeting with the Sewer Engineer about design and to look at stub outs for businesses. He added that he had invited some of the local businesses to attend.

**16. CALL FOR PUBLIC HEARING TO AMEND PERSONNEL ORDINANCE NO. 2003-5 (Probationary Period to Six Months for Certified Police Officers 2.28.060 C.1.)**

**MOTION:** Councilor Hill made a motion to call for a Public Hearing to Amend Personnel Ordinance 2003-5. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye.  
Councilor Hill votes aye. Councilor Simmons voted aye. The motion carried.

**17. FINANCE & ADMINISTRATION.**

**I. Approval of Town Bills.**

Councilor Simmons asked about the total from last month and if this was a consistent amount.

Ms. Muller stated that there were two large invoices that were paid this month and that this month does not reflect a typical cycle.

**MOTION:** Councilor Felton made a motion to approve the Town Bills.  
Councilor Hill seconded the motion.

Councilor Simmons asked about the parenthesis and if that means they are over budget.

Ms. Mahalick confirmed that they did indicate that it was over budget in theory since the budget is not accurate in the system.

Councilor Felton discussed promotion fund expenditures and stated that it should probably be clarified what the funds are spent on.

Mayor Stearley stated that a budget review was in order.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**J. Approval of the Financial Report for the month of February, 2009.**

Ms. Muller reviewed this item for the Council.

**MOTION:** Councilor Felton made a motion to approve the Financial Report.  
Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye.  
Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**K. Approval of the 2007-08 Audit Report.**

Ms. Muller reviewed this item for Council and stated that a motion and approval would be required.

**MOTION:** Councilor Felton made a motion to approve the Audit Report of 2007-08. Councilor Hill seconded for discussion.

Councilor Hill asked if these were repeated findings.  
Ms. Muller explained these findings and stated that they were a repeat.  
Ms. Mahalick clarified that these findings were due to an inability to track the funds.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye.  
Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**18. AWARD C.P.A. CONTRACT FOR TOWN FINANCIAL STATEMENTS.**

Ms. Muller reviewed this item for the Council and stated that staff recommended award the contract to Accounting & Consulting Group, LLP and added that there were funds available under professional services.

**MOTION:** Councilor Simmons made a motion to approve Accounting & Consulting Group, LLP. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**19. APPROVAL OF A CUSTODIAN-JANITORIAL POSITION.**

Ms. Muller reviewed this item for the Council outlining the need for the position. Council requested more research into this before a decision is made.

**20. APPROVAL OF PREVIOUS MINUTES.**

L. Regular Council Meeting Minutes of March 4, 2009.

**MOTION:** Councilor Felton made a motion to approve the Minutes of March 4, 2009. Councilor Simmons seconded the motion for discussion.

Councilor Simmons requested that the Council read a sentence from Item 7, stating that there was a name misspelled. She added that the acronyms can be difficult to keep up with.

Ms. Mahalick offered to revise the Minutes and bring them back to Council at the next meeting.

Councilor Felton asked to read the sentence, in question, aloud. He added that it may be helpful to spell out abbreviations the first time they appear.

Councilor Simmons referred to page 4 of 5 and read a sentence regarding the Sign Ordinance. She then asked Ms. Mahalick to revise the Minutes and return them to Council for approval.

**VOTE:** Councilor Simmons voted nay. Councilor Hill voted nay.  
Councilor Felton voted aye. Councilor Abrams voted nay.



**21. ACKNOWLEDGE RECEIPT OF PLANNING & ZONING COMMISSION MEETING MINUTES.**

M. Regular Planning & Zoning Meeting Minutes of March 2, 2009.

**MOTION:** Councilor Felton made a motion to acknowledge receipt of the Planning & Zoning Meeting Minutes of March 2, 2009. Councilor Abrams seconded the motion.

Councilor Hill commented on the passing of former Commissioner Gilmore stating that he will be a loss to this Community.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**22. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.**

N. Regular Council Meeting – April 1, 2009.

O. Regular Council Meeting – April 15, 2009.

P. Budget Preparation Meeting – May 9, 2009 (time to be announced)

Mayor Stearley reviewed upcoming calendar and agenda items. He added that Council would need to agree on a date and time for a Budget Preparation Meeting.

Council agreed to meet on May 2, 2009 at 9:00 A.M. for a Budget Preparation Meeting.

**23. CLOSED SESSION.**

**As per motion and roll call vote, pursuant to NMSA 1978, 10-15-(H)(8) the following will be discussed in Closed Session.**

- Property Acquisition.

**MOTION:** Councilor Hill made a motion to enter into Closed Session. Council Felton seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**MOTION:** Councilor Hill made a motion to come back into Open Session. Councilor Abrams seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The Motion carried

**MOTION:** Councilor Hill made a motion to affirm that that only the item listed was discussed and no action was taken. Councilor Abrams affirmed. Councilor Felton affirmed. Mayor Stearley affirmed. Councilor Hill affirmed. Councilor Simmons affirmed. The motion carried.

**24. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the meeting. Councilor Felton seconded the motion.

**VOTE:** All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 10:39 P.M.

**PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of April, 2009.**

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Honorable Robert Stearley, Mayor

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer